UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,930	02/16/2005	Michael Thieme	3352/FARC	1877

26304   7590   08/18/2010
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
DEGA, MURALI K

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
08/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/524,930	THIEME ET AL.
Office Action Summary	Examiner	Art Unit	
	MURALI DEGA	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 April 2010_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 16-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13 and 16-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   This Office action responds to the Amendments and Remarks filed by the

Applicants on 12 April 2010.

2.   Claims 1-13 and 16-30 are pending.

3.   Claims 1-13 and 16-30 have been examined.

Claim Rejections - 35 USC § 112 1st Paragraph

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claim 30 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply

with the written description requirement. The claim contains subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled

in the relevant art that the inventors, at the time the application was filed, had

possession of the claimed invention.

3.   Claim 30 recites "enrollment algorithm ..." in lines 4 and 7, which does not

necessarily have support from the originally filed documents and is therefore considered

new matter.

Claim Rejections - 35 USC § 112 – 2nd Paragraph

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

6.   Claim 3 recites "receiving a request for a template ..." in line 2 and recites

"identifies a type of template needed ..." in line 3. Further the claim recites "transmitting

the template, ..." in line 7. The claim is indefinite because it is not clear as to 'a type of

template' is being transmitted or any 'template' is being transmitted.

7.   The Examiner respectfully suggests that in order to overcome the § 112 2nd

Paragraph rejection, the claim language be amended to recite "receiving a request for a

type of template from ... identifies the type of template needed ...transmitting the type of

template requested ...".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Scheidt et al. (US 6,845,453) in view of Sullivan et al. (US 6,591,224).

10.   With respect to claims 1 and 30:

11.   Scheidt discloses a method for processing biometric information, comprising the

steps of:

       a.   Capturing a biometric sample from a single sensor *(Figs. 3, 4 and 5, col.*

2, II. 23-42, requires….users to submit….such as fingerprint scan, col. 2, II. 23-

42, biometric data…. Repeatedly and reliably captured).

       b.   Transmitting the biometric sample from the sensor to a processing

component *(Figs. 3, 4 and 5, where capturing and transmitting biometric data for*

matching purposes is depicted).

       c.   Processing the biometric sample by a first vendor's biometric algorithm to

yield a first reference template *(Figs 3, 4 and 5, col. 2, II. 23-42, unique*

characteristics….of biometric instance are extracted to form a biometric

template).

       d.   associating the first reference template with a record identifier *(Figs. 3, 4*

and 5, col. 2, II. 23-42, biometric template, which is stored as an enrollment

template and Col. 7, II. 10-23, where usage of user data to derive a unique

identification is described).

       e.   Processing the biometric sample by a second vendor's biometric algorithm

to yield a second reference template *(Figs. 3, 4 and 5, col. 2, II. 23-42, a*

subsequent biometric instance….to form a new template). Scheidt discloses a

method where two different templates being generated using the same sample.
But Scheidt does not explicitly recite a different second vendor's algorithm being
used to generate the second template.

f.   However Sullivan teaches generating multiple templates using multiple
vendor algorithms of the same sample to be stored in a database for the
purposes of future verification and to determine acceptance rate and rejection
rate. ("in its use of software components, such as feature extraction and
matching algorithms", C 4, ll. 27-37).

g.   Therefore it would have been obvious to one of ordinary skill in the art, at
the time of invention to have combined the method of Sullivan with that of
Scheidt, to create a database of reference templates with different algorithms in
order to provide a quick and accurate service to any requesting authority where
the requesting authority may be using different biometric scanners using different
software components such as different algorithms, since so doing could be
performed readily and easily by any person of ordinary skill in the art, with neither
undue experimentation nor risk of unexpected results.

h.   Associating the second reference template with the record identifier *(Col.
7, ll. 10-23, where usage of user data to derive a unique identification is
described)*.

12.   With respect to claim 2:

13.   Scheidt discloses the method, further comprising the steps of:

      i.   Processing the biometric sample by one or more additional vendor's biometric algorithm to yield one or more additional reference templates *(Col. 7, ll. 48-77, where a process of creating additional templates from different biometric instances and a process of comparing different template values is described).*

      j.   Associating the one or more additional reference templates with the record identifier *(Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described).*

14.   With respect to claim 6:

15.   Scheidt discloses the algorithms are selected from the group of the following technologies: minutiae matching, pattern matching, vector line analysis, Eigenface and neural network processing *(Col. 2, ll. 43-57, where commercial solutions that use different methodologies to improve reliability of biometric authentication process is described).*

16.   With respect to claim 7:

17.   Scheidt discloses the template creation process is preceded by an image pre-processing step wherein the image is modified according to information in a vendor profile associated with the algorithm *(Col. 2, ll. 43-57, where use of commercial solutions with different methodologies are described).*

18.   With respect to claim 12:

19.   Scheidt discloses wherein the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and

orientation *(Col. 12, ll. 25-33, For example, the present invention....biometric inputs on which to generate templates).*

20.   With respect to claim 13:

21.   Scheidt discloses wherein a fingerprint sample is captured on a livescan input device with at least 400 dots per square inch resolution *(Figs. 3, 4 and 5 indicate use of finger print reader).*

22.   With respect to claim 16:

23.   Scheidt discloses further the step of performing a template comparison between a match template and one of the reference templates *(Col. 2, ll. 28-42, comparing the stored enrollment templates with verification templates for user identification is disclosed).*

24.   With respect to claim 18:

25.   Scheidt discloses further the step of using a weighting algorithm to evaluate the results of the one or more different template matches *(Col. 2, ll. 43-57, where use of commercial solutions with different methodologies to aid in matching process are described).*

26.   With respect to claim 19:

27.   Scheidt discloses further the step of generating one final result as to whether there is a match between the person represented by the given identifier and the match template based upon the one or more of template matches *(Col. 10, ll. 28-42, where evaluation of templates for matching purposes is described).*

28.   With respect to claim 21:

29. Scheidt discloses wherein the comparison is performed locally in proximity to the sensor *(Figs. 3, 4 and 5 where user identification being performed using finger print data in proximity to reader).*

30. With respect to claim 26:

31. Scheidt discloses a method for processing biometric information, comprising the steps of:

k. Retrieving a biometric sample from a storage component *(Figs. 3, 4 and 5 where recovery of enrollment template is depicted).*

l. Transmitting the biometric sample from the storage component to a processing component *(Figs. 3, 4 and 5 where recovery and transmission for the comparison purposes is depicted).*

m. Processing the biometric sample by a first vendor's algorithm to yield a first template *(Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template).*

n. associating the first reference template with an associated record identifier *(Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template and Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described).*

o. Processing the biometric sample by a second vendor's biometric algorithm to yield a second reference template *(Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template).*

     p.   Associating the second reference template with the record identifier *(Col. 7, Il. 10-23, where usage of user data to derive a unique identification is described).*

32.   With respect to claim 27:

33.   Scheidt discloses the method, further comprising the steps of:

     q.   Processing the biometric sample by one or more additional algorithm to yield one or more additional template *(Col. 7, Il. 48-77, where a process of creating additional templates from different biometric instances and a process of comparing different template values is described).*

     r.   Associating the one or more additional templates with the record identifier *(Col. 7, Il. 10-23, where usage of user data to derive a unique identification is described).*

34.   Claims 3-5, 17, 20, 22-24 and 28 are rejected as being unpatentable over Scheidt and Sullivan as applied to claims 1, 2, 6, 7, 12-16, 18, 19, 21, 25-27 and further in view of Buffum et al. (US 20030037004) herein after referred to as Buffum.

35.   With respect to claim 3:

36.   Scheidt discloses all of the above limitations but does not explicitly disclose

     s.   Receiving request from a requesting authority to perform matching of templates or transmitting the template, if it is available, to the requesting authority

37.   However, Buffum discloses

      t.   receiving a request for a template from a requesting authority, wherein the

request identifies a type of template needed to perform a match and the given

record identifier determining from a plurality of storage units if the requested type

of template is available for the given record identifier *(Abstract and fig. 1, where*

authentication server receiving a request from a third party requester to

authenticate previously enrolled user using voice print is disclosed and

comparing with a stored voice print is described) and transmitting the template, if

it is available, to the requesting authority *(Abstract and fig. 1, where the*

authentication results being reported to the user and the requesting authority is

described).

      u.   Therefore, it would have been obvious to one of ordinary skill in the art, at

the time of invention to have modified the system of Scheidt so as to conduct

biometric data authentication over a LAN or WAN or on web, in accordance with

teachings of Buffum, to fulfill a request from a third party such as a requesting

authority, since so doing could be performed readily and easily by any person of

ordinary skill in the art, with neither undue experimentation nor risk of unexpected

results.

38.   With respect to claim 4:

39.   Scheidt discloses the method further comprising the steps of:

      v.   Scheidt discloses the above limitations but does not explicitly disclose

receiving request from a requesting authority to perform matching of templates.

However, Buffum discloses receiving a request for a biometric match from a

requesting authority along with a match template, wherein the request identifies the given record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed*).

w.   Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

x.   Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units the reference template associated with the given record identifier that is compatible with the match template (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be

performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

y.   Scheidt discloses performing a template comparison between the match template and the reference template *(Col. 2, II. 23-42 where the process of comparing the enrollment template and verification template is described)*.

40.   With respect to claim 5:

41.   Scheidt discloses the above claim limitations but does not explicitly disclose returning the results of the match to the requesting authority. However, Buffum teaches the step of returning the result of the template match to the requesting authority *(Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

42.   With respect to claim 17:

43.   Scheidt discloses the method further comprising the step of:

44.   Scheidt discloses performing a template comparison between the match template and one or more additional reference templates *(Col. 2, II. 23-42 where the process of comparing the enrollment template and verification template is described)*.

45.   With respect to claim 20:

46.   Scheidt discloses all of the above limitations but does not explicitly disclose the

use of a centralized server. However, Buffum discloses the matches being performed

on a centralized server *(Fig. 1 and abstract where usage of voice print authentication

server is described)*.

47.   Therefore, it would have been obvious to one of ordinary skill in the art, at the

time of invention to have modified the system of Scheidt so as to use a centralized

server in accordance with teachings of Buffum, to fulfill an authentication request from a

requesting authority, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation nor risk of

unexpected results.

48.   With respect to claim 22:

49.   Scheidt discloses a method for processing biometric information, comprising the

steps of:

    z.   Capturing a biometric sample from a sensor *(Figs. 3, 4 and 5, col. 2, ll.

    23-42, requires….users to submit….such as fingerprint scan, col. 2, ll. 23-42,

    biometric data…. Repeatedly and reliably captured)*.

    aa.   Transmitting the biometric sample from the sensor to a storage

    component *(Figs. 3, 4 and 5, where capturing and transmitting biometric data for

    matching purposes is depicted)*.

    bb.   Processing the biometric sample by the identified vendor's biometric

    algorithm to create the reference template *(Figs 3, 4 and 5, col. 2, ll. 23-42,*

unique characteristics....of biometric instance are extracted to form a biometric template).

cc.   Scheidt does not explicitly disclose receiving a request from a requesting authority, wherein the request identifies a vendor and associated biometric algorithm to be used in creating a reference template, and the reference template is not created until the request is received from the requesting authority. However, Buffum teaches *(Abstract and fig. 1)* where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed and comparing with a stored voice print is described. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

50.   With respect to claim 23:

51.   Scheidt discloses all of the above limitations but does not explicitly disclose returning the results to the requesting authority. However, Buffum teaches the step of returning the reference template to the requesting authority *(Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described).* Therefore, it would have been obvious to one of ordinary skill in the art, at

the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

52.   With respect to claim 24:

53.   Scheidt discloses all of the above limitations but does not explicitly disclose returning the template to the requesting authority. However, Buffum teaches the step of performing a template comparison between the reference template and a match template *(Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described).* Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

54.   With respect to claim 25:

55.   Scheidt discloses comprising the step of returning the result of the template comparison to the requesting authority *(Figs. 3, 4 and 5, col. 2 ll. 23-42, where comparing the two templates to determine user identification).*

56.   With respect to claim 28:

57.   Scheidt discloses a method for processing biometric information, comprising the steps of:

dd.   Processing a biometric sample by a first vendor's biometric algorithm to yield a first match template for a given user *(Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template).*

ee.   Processing the biometric sample by a second vendor's biometric algorithm to yield a second match template for the same user *(Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template).*

ff.   Upon successful match, storing the first vendor's match template as an a reference template associated with the user *(Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template).*

gg.   Scheidt does not explicitly disclose performing a match between the second vendor's verification template and a previously stored compatible reference template associated with the user. However, Buffum teaches *(Col. 2, ll. 23-42)* the process of comparing the enrollment template and verification template is described. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

58.   With respect to claim 29:

59.   Scheidt discloses the method further comprising the steps of:

hh.   Scheidt discloses the above limitations but does not explicitly disclose receiving request for a match from a requesting authority. However Buffum teaches receiving a request for a match from a requesting authority wherein the request identifies a given record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed)*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

ii.   Scheidt does not explicitly disclose locating from a plurality of storage units the first reference template generated from the first algorithm and associated with the given record identifier. However, Buffum discloses locating from a plurality of storage units an enrollment template associated with the record identifier *(Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described)*.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

jj.   Scheidt discloses performing a template comparison between the match template and the first reference template *(Col. 2, ll. 23-42 where the process of comparing the enrollment template and verification template is described).*

60.   Claims 8-11 are rejected as unpatentable over Scheidt and Sullivan as applied to claims 1 and 7, and further in view of Kawan et al. (US 7,039,812) herein after referred to as Kawan.

61.   With respect to claim 8:

62.   Scheidt disclose all of the above limitations but does not explicitly disclose the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and orientation. However, Kawan teaches *(Col. 2, ll. 55-67)* the requesting authority directing the manner in which the user biometric sample to be presented for authentication. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use vendor profile in terms of image dimension, resolution, scale, speed, time, frequency, and orientation, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

63.   With respect to claim 9:

64.   Scheidt disclose all of the above limitations but does not explicitly disclose the vendor profile is created prior to the image pre-processing step based on features associated with a specific algorithm. However, Kawan teaches *(Col. 2, ll. 55-67)* presenting user samples in a predetermined sequence, technical equivalent of creating a vendor profile prior to image processing. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to creation of vendor profile prior to image processing, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

65.   With respect to claim 10:

66.   Scheidt disclose all of the above limitations but does not explicitly disclose extracting several different sub-samples from the sample by means superimposing geometric shapes on the sample wherein such geometric shapes correspond with the vendor profile; and performing a match between a template created from the sub-samples and one of the reference templates. However, Kawan teaches *(Col. 1, ll. 35-46)* comparing, matching and making decisions based on predetermined parameters, *(Col. 2, ll. 55-67)* use of multiple biometric samples, which is functional equivalent of several different sub-samples being used. Therefore, it would have been obvious to one

of ordinary skill in the art, at the time of invention to have modified the system of Scheidt

so as to use predetermined parameters, to fulfill a request from a third party such as a

requesting authority, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation nor risk of

unexpected results.

67.   With respect to claim 11:

68.   Scheidt disclose all of the above limitations but do not explicitly disclose the

geometric shapes being rectangles. However, Kawan teaches (Col. 9, ll. 26-46)

presenting biometrics and other credentials in a suitable form. Therefore, it would have

been obvious to one of ordinary skill in the art, at the time of invention to have modified

the system of Scheidt so as to use a suitable form, to fulfill a request from a third party

such as a requesting authority, since so doing could be performed readily and easily by

any person of ordinary skill in the art, with neither undue experimentation nor risk of

unexpected results.

Claim Interpretation

69.   The Examiner hereby adopts the following definitions under the broadest

reasonable interpretation standard. In accordance with *In re Morris*, 127 F.3d 1048,

1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other

sources to support his interpretation of the claims.   Additionally, these definitions are

only a guide to claim terminology since claim terms must be interpreted in context of the

surrounding claim language. Finally, the following list is not intended to be exhaustive

in any way:

kk.   **For:** "1 a -- used as a function word to indicate purpose... b -- used as a

function word to indicate an intended goal" Webster's Ninth New Collegiate

Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

ll.   **To:** "2a -- used as a function word to indicate purpose, intention,

tendency, result, or end." Webster's Ninth New Collegiate Dictionary, Merriam-

Webster Inc., Springfield MA, 1986.

mm.   **Associate:** "4 : to bring together or into relationship in any of various

intangible ways (as in memory or imagination)." Webster's Ninth New Collegiate

Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

Response to Arguments

70.   With respect to rejection of claims 1-30, the Applicant's arguments filed 12 April

2010 have been fully considered but they are not persuasive.

71.   With respect to the Applicant's argument that Scheidt and Sullivan does not

teach processing the same sample creating multiple reference templates using multiple

biometric algorithms. Further, the Applicants argue that none of the references relate to

the use of multiple biometric algorithms to process the same fingerprint image captured

from the sensor.

72.   The Examiner respectfully disagrees.

73.   The combination of Scheidt and Sullivan clearly teaches use of multiple
algorithms to process the biometric sample and go further in disclosing use of multiple
samples and multiple sensors and use of software components, such as feature
extraction and matching algorithms.

74.   Further, following KSR, the Supreme Court issued several rationales for
supporting a conclusion that a claim would have been obvious. Exemplary rationales
that may support a conclusion of obviousness include: Simple substitution of one known
element for another to obtain predictable results (MPEP 2141).

75.   Because each individual element and its function are shown in the prior art, albeit
in different references or embodiments, the difference between the claimed subject
matter and the prior art rests not on any individual element or function but in the very
combination itself— that is the use of different algorithms with different samples or the
same sample to create a database of reference templates for the purposes of
comparison based on the requesting authorities algorithm preference. The result of this
substitution would have been predictable to those of ordinary skill in the art, at the time
of the invention, specifically the reference templates stored in the database. Thus, the
simple substitution of one known element for another producing a predictable result
renders the limitation obvious.

Conclusion

76.　**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

77.　A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

78.　The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

79.　References considered pertinent to Applicants' disclosure are listed on form PTO-892 ("Notice of References Cited"). Unless expressly noted otherwise by the Examiner, all references listed on form PTO-892 are cited in their entirety.

80.　Applicants are respectfully reminded that any suggestions or examples of claim language provided by the Examiner are just that—suggestions or examples—and do not constitute a formal requirement mandated by the Examiner. To be especially clear, any suggestion or example provided in this Office Action (or in any future office action) does not constitute a formal requirement mandated by the Examiner.

　　　nn.　Should Applicants decide to amend the claims, Applicants are also

reminded that—like always—no new matter is allowed. The Examiner therefore leaves it up to Applicants to choose the precise claim language of the amendment in order to ensure that the amended language complies with 35 U.S.C. § 112 1st paragraph.

oo.   Independent of the requirements under 35 U.S.C. § 112 1st paragraph, Applicants are also respectfully reminded that when amending a particular claim, all claim terms must have clear support or antecedent basis in the specification. See 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o). Should Applicants amend the claims such that the claim language no longer has clear support or antecedent basis in the specification, an objection to the specification may result. Therefore, in these rare situations where the amended claim language does not have clear support or antecedent basis in the specification and to prevent a subsequent 'Objection to the Specification' in the next office action, Applicants are encouraged to either (1) re-evaluate the amendment and change the claim language so the claims do have clear support or antecedent basis or, (2) amend the specification to ensure that the claim language does have clear support or antecedent basis. See again MPEP § 608.01(o) (¶3). Should Applicants choose to amend the specification, Applicants are reminded that—like always—no new matter in the specification is allowed. See 35 U.S.C. § 132(a). If Applicants have any questions on this matter, Applicants are encouraged to contact the Examiner via the telephone number listed below.

81.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to MURALI K. DEGA whose telephone number is

(571)270-5394. The Examiner can normally be reached on Monday to Thursday

7.00AM to 5.30 PM.

82.   If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

83.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Murali K. Dega/
Art Unit 3621
August 11, 2010

/EVENS J. AUGUSTIN/
Primary Examiner, Art Unit 3621